

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

PHYLLIS ANDREWS, *et al.*,

Plaintiffs,

v.

ARTHUR B. MODELL,

Defendant.

Civil Action No. 07-3368 (SCR)

**DEFENDANT'S OPPOSITION TO
PLAINTIFFS' MOTION TO REMAND**

EXHIBIT 4

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UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

THOMAS E. MINOGUE, Trustee and THOMAS O.
CALLAGHAN, Co-Trustee of the PHYLLIS ANDREWS
FAMILY TRUST, et al.,

Plaintiffs,

vs. No. 1:03-CV-03391

ARTHUR B. MODELL,

Defendant.

ORIGINAL

DEPOSITION OF VINCENT ANDREWS
Armonk, New York
Monday, May 10, 2004

Reported by:
Alison M. Pisciotta
JOB NO. 160168b

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2 might be a litigation in the Modell matter.

3 I felt it was in the best interest of the
4 trust that I not be a trustee. I don't have
5 experience in any kind of litigating matters
6 and I wouldn't. It would be better suited
7 for the trust and my mother if there was
8 people with experience who understood these
9 things.

10 Q What do you understand the role of
11 the trustee to be as it relates to the
12 present litigation?

13 A I can't -- that's a legal, I don't
14 know the answer to that.

15 Q Now, the exhibit Schedule A to
16 Exhibit 6 which bears the number on the
17 right-hand corner of P50154 shows that the
18 amount --

19 MR. HAYES: Hang on. He is not at
20 the right page.

21 MR. DURANTE: Sorry. Take your time.

22 Q That the amount placed in the trust
23 at the time was \$5.00. Do you see that?

24 A I see that.

25 Q Do you recall for what period of time

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2 that constituted the trust corpus, the money
3 in the trust?

4 A No.

5 Q Do you recall whether any additional
6 sum was added to the trust?

7 A At some point. I don't remember
8 exactly when. I believe there was \$200,000
9 was added to the trust.

10 Q How long did that occur after the
11 trust was established?

12 A I would have to see. I mean there is
13 documents that would say. I don't remember.

14 ~~Q Do you recall what the source of the~~
15 money was, that \$200,000 that was added to
16 the trust?

17 A Came from my mother.

18 Q Do you recall what source of funds
19 she used to put that into the trust?

20 A Her own personal savings, whatever
21 she had, personal assets.

22 Q Did either you or your brother gift
23 or loan any portion of those funds?

24 A No, not to my knowledge.

25 Q Why was \$200,000 added to the trust?

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2 A I don't want to speculate. There are
3 obviously documents that spell out why, what
4 was done with the money. If I have those it
5 will refresh my memory. I haven't looked at
6 these papers in a long time.

7 Q Do you have any recollection what was
8 done with what the trust then did with the
9 \$200,000 that was put in the trust?

10 A I don't want to speculate. I know
11 somehow -- somebody would have to put the
12 documents in front of me to specifically
13 refresh my memory, specifically what the
14 money was used for and how it was done.

15 Q Showing you, sir, what's been marked
16 Exhibit 7. Document entitled purchase
17 agreement. Bears the number in the
18 right-hand corner P50155 to 160. Can you
19 identify this form, sir?

20 A It says purchase agreement.

21 Q Purchase agreement dated
22 January 27th, 2000, is it not?

23 A Correct.

24 Q So it's a purchase agreement dated
25 one month after the establishment of the

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2 custody of them.

3 Q Sir, we had some testimony about this
4 earlier today from your brother, I want to be
5 clear about this.

6 Are you currently involved in a
7 bankruptcy proceeding personally?

8 A Yes.

9 Q What is the status of that case?

10 A It's on appeal. I mean the
11 bankruptcy itself?

12 Q Yes, sir.

13 A It's still in being and probably stay
14 in being until the adjudication of a 16-year
15 old lawsuit that's hopefully coming to a
16 closure, I would hope in the next year or so.

17 Q So in the bankruptcy proceeding, am I
18 correct, that it involves both you and your
19 brother individually, as well as, your
20 company?

21 A That's correct.

22 Q In connection with that bankruptcy
23 proceeding, have you made or have any filings
24 been made on your behalf with respect to the
25 value of any interest arising out of the